

February 19, 2019

Attn: Carolina Balazs
Office of Environmental Health Hazard Assessment
1515 Clay Street, 16th Floor
Oakland, CA 94612

RE – Public Comments on the Draft Report, *A Framework and Tool for Evaluating California's Progress in Achieving the Human Right to Water*

Dear Ms. Balazs:

Thank you for the opportunity to provide public comment on the Office of Environmental Health Hazard Assessment (OEHHA) draft report entitled, *A Framework and Tool for Evaluating California's Progress in Achieving the Human Right to Water* (Draft Report). We are pleased to offer the following comments, organized by the sections of the report, for your consideration.

OEHHA Expertise

The Introduction to the Draft Framework states that the State Water Board “enlisted the expertise of the [OEHHA] to develop a framework to evaluate the quality, accessibility, and affordability of the state’s domestic water supply” (2). As far as we understand it, OEHHA’s mission with regards to water in the state of California is to “perform major risk assessment and hazard evaluation activities relating to chemical contaminants in drinking water” (<https://oehha.ca.gov/water>; 14 Feb 2019). We can understand the Board’s reliance upon OEHHA for portions of the human right to water evaluation regarding water quality, but we fail to see how the office’s general experience as toxicologists bears on the other two components, water accessibility and water affordability. Unfortunately, such expertise is not explained nor indicated in the body of the Draft Framework. We would appreciate, and believe the public deserves, an accounting of what pertinent experience in these areas the office brings to bear on this particular effort.

Progress Evaluation or Risk Assessment?

The Draft Framework is ostensibly a tool to evaluate the progress towards meeting the goals of the Human Right to Water. The title of the draft is perfectly clear in that regard. But if it were truly a tool to evaluate progress, it would be focused on highlighting, if not celebrating, the fact that the vast majority of water suppliers in the state are already meeting those goals. Instead, the contents of the report indicate that the framework is really a risk assessment. “The cross-component view offered by this framework,” the Approach and Overview chapter states, “can help identify water systems and regions that may need a more in-depth evaluation of water challenges” (7). Later, the Draft Framework states that a “composite score can serve to highlight systems that have some of the lowest scores across all accessibility indicators, and are therefore the most burdened in the area of accessibility” (21). These are but two of many examples of the kind of language used throughout the Draft Framework that reveals the Framework’s bias towards assessing vulnerabilities and potential exposures to risk.

Given that the Draft Framework is essentially a risk analysis, we recommend flipping the scoring methodology, so that suppliers receive points for risk factors, rather than what they're doing well, so that higher composite scores indicate higher vulnerability to risk. Doing so would offer a solution to how the Framework will represent high-performing systems—a significant concern among water agencies. From the Venn Diagram on page 8 to the Indicators and Water Challenges tables on pages 35 and 36, respectively, it is clear that much thought has been given to how challenged systems will be represented, but there is still significant uncertainty regarding how systems without significant challenges fit into these various depictions (especially given the fact that the Draft Framework does not as yet have a specific grading system or scale). Focusing the methodology on risk would allow you to assign systems without challenges a risk value of zero, and to develop precise metrics for increasing a system's vulnerability to risk.

Grading systems downward from an arbitrary "perfect" score of progress towards fulfilling the Human Right to Water does a disservice to reliable water systems—which, again, constitute the majority of systems in the state. Highlighting a system's overall vulnerability to risk, on the other hand, is a more responsible way to, as the Draft Framework states, "identify water systems and regions that may need a more in-depth evaluation of water challenges."

Water Affordability

One aspect of the Draft Framework we do appreciate is the concept of evaluating affordability using "an essential minimum water volume of 600 cubic feet" (25). Our contention through the State Water Board's public process regarding the development of a statewide Low-Income Rate Assistance (LIRA) program has been that affordability should be judged based on a volume of water sufficient to meet health and safety needs, rather than on statewide average consumption or any number that includes outdoor water use. Six HCF is responsible, and the three metrics—median household income, county poverty threshold, and deep poverty threshold—should give a clear picture of the impact of the cost of water on low-income households.

We appreciate your consideration of our feedback on the Draft Report, and we look forward to continuing to remain involved in the process of developing the framework and tool.

Sincerely,

A handwritten signature in blue ink that reads "Tony Stafford". The signature is fluid and cursive, with the first name "Tony" and last name "Stafford" clearly legible.

Tony Stafford
General Manager